



General Assembly

Substitute Bill No. 952

January Session, 2013



***AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF
LANDLORDS AND TENANTS REGARDING BED BUG INFESTATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) As used in this
2 section: (1) "Certified applicator" means an individual who is certified,
3 in accordance with section 22a-54 of the general statutes, by the
4 Commissioner of Energy and Environmental Protection to perform
5 application within this state of a pesticide or class of pesticides; (2)
6 "bed bug" means the common bed bug (*Cimex lectularius*); (3) "bed
7 bug detection team" means a scent detection canine team that holds a
8 current, independent, third-party certification in accordance with the
9 guidelines for Minimum Standards for Canine Bed Bug Detection
10 Team Certification established by the National Pest Management
11 Association; (4) "landlord", "owner", "person" and "tenant" shall have
12 the same meanings as in section 47a-1 of the general statutes; (5)
13 "qualified inspector" means a certified applicator, local health
14 department official or bed bug detection team retained by a landlord
15 to conduct an inspection for an infestation of bed bugs; and (6) "pest
16 control agent" means a person who is a certified applicator or who is
17 otherwise specially licensed or qualified to treat bed bug infestations.

18 (b) (1) A tenant shall promptly notify a landlord orally or in writing
19 when the tenant knows or reasonably suspects that the tenant's

20 dwelling unit is infested with bed bugs. Not later than five business
21 days after receiving such notice, the landlord shall obtain an inspection
22 of the dwelling unit and contiguous units by a qualified inspector and
23 may enter a dwelling unit for the purpose of conducting such
24 inspection as provided in subdivision (2) of this subsection. If the
25 qualified inspector determines that the dwelling unit is infested with
26 bed bugs, the landlord shall, not later than five business days after the
27 date of the inspection, take reasonable measures, as determined by
28 such qualified inspector, to effectively treat the bed bug infestation,
29 including, without limitation, treating the contiguous units and
30 retaining the services of a pest control agent. No landlord shall apply
31 any pesticide or class of pesticides for the purpose of treating a bed
32 bug infestation unless such landlord is a certified applicator. Except as
33 otherwise provided in this section, the landlord shall be responsible for
34 all costs associated with inspection for and treatment of a bed bug
35 infestation.

36 (2) (A) Upon reasonable written or oral notice to a tenant in
37 accordance with the provisions of section 47a-16 of the general statutes
38 that a landlord, qualified inspector or pest control agent must enter a
39 dwelling unit for the purpose of conducting an inspection for, or
40 treating an infestation of, bed bugs, a tenant shall not unreasonably
41 withhold access to the dwelling unit. Any entry to a dwelling unit shall
42 be made in accordance with the provisions of section 47a-16 of the
43 general statutes.

44 (B) A qualified inspector may initially conduct a visual and manual
45 inspection of the tenant's bedding and upholstered furniture. The
46 qualified inspector may inspect items other than bedding and
47 upholstered furniture when such qualified inspector determines that
48 such an inspection is necessary and reasonable. If the qualified
49 inspector finds bed bugs in the dwelling unit or in a contiguous unit,
50 such qualified inspector may have such additional access to the
51 tenant's personal belongings as the qualified inspector determines is
52 necessary and reasonable. A tenant shall comply with reasonable

53 measures to permit the inspection and treatment of a bed bug
54 infestation as set forth by the landlord and qualified inspector or pest
55 control agent, and such tenant shall be responsible for all costs
56 associated with preparing a dwelling unit for such inspection and
57 treatment. The tenant's knowing and unreasonable failure to comply
58 with such bed bug inspection and treatment measures shall result in
59 the tenant being held liable for those bed bug treatments of the
60 dwelling unit arising from such failure.

61 (C) Whenever any furniture, clothing, equipment or personal
62 property belonging to a tenant is found to be infested with bed bugs,
63 such furniture, clothing, equipment or personal property shall not be
64 removed from the dwelling unit until a pest control agent determines
65 that a bed bug treatment has been completed, or until the landlord
66 approves of such removal.

67 (3) (A) A landlord shall offer to make reasonable assistance available
68 to a tenant who is not able to comply with preparation for any bed bug
69 inspection or treatment measures that are the tenant's responsibility
70 under this section. The landlord shall disclose to the tenant the cost, if
71 any, to assist the tenant with preparing the dwelling unit for inspection
72 or treatment. The landlord may, at the landlord's discretion, charge the
73 tenant a reasonable amount for any such assistance, provided such
74 charge is subject to a reasonable repayment schedule not to exceed six
75 months, unless the landlord and tenant agree to one or more
76 extensions of such repayment schedule. A tenant's failure to agree to
77 any such charges or repayment schedule shall not relieve the landlord
78 of the duty to treat the dwelling unit.

79 (B) A tenant's failure to make any payment required pursuant to a
80 repayment schedule shall not be the basis for a summary process
81 action instituted pursuant to chapter 832 of the general statutes. At the
82 termination of a tenancy, a landlord may deduct any remaining
83 payments owed under a repayment schedule from a security deposit
84 in accordance with the provisions of section 47a-21 of the general
85 statutes.

86 (C) Nothing in this section shall be construed to require a landlord
87 to provide a tenant with alternative lodging or to pay to replace the
88 tenant's personal property. Nothing in this section shall be construed
89 to preempt or restrict application of the provisions of chapter 814c of
90 the general statutes or any other state or federal law concerning
91 reasonable accommodations for persons with disabilities.

92 (c) No landlord shall offer for rent a dwelling unit that the landlord
93 knows or reasonably suspects is infested with bed bugs. Before renting
94 a dwelling unit, a landlord shall disclose to a prospective tenant
95 whether the unit the landlord is offering for rent or any contiguous
96 unit (1) is currently infested with bed bugs, or (2) has been treated for
97 such infestation, provided no such disclosure shall be required if a pest
98 control agent has determined that such treatment has been completed
99 and sixty days have elapsed since the landlord received written notice
100 of such determination. Upon request from a tenant or prospective
101 tenant, a landlord shall disclose the last date on which the dwelling
102 unit being rented or offered for rent was inspected for, and found to be
103 free of, a bed bug infestation.

104 (d) (1) The failure of any landlord to comply with the provisions of
105 this section shall constitute a rebuttable presumption that such
106 landlord has failed to comply with the provisions of subdivisions (1)
107 and (2) of subsection (a) of section 47a-7 of the general statutes and the
108 tenant may proceed as provided in section 47a-12 of the general
109 statutes or section 47a-14h of the general statutes, as amended by this
110 act. Any landlord who fails to comply with the provisions of this
111 section shall be liable to the tenant for reasonable attorneys' fees and
112 the greater of two hundred fifty dollars or the tenant's actual damages.

113 (2) A landlord may apply to the Superior Court to obtain injunctive
114 relief in accordance with section 47a-18 of the general statutes and to
115 obtain such other relief as may be appropriate against a tenant who (A)
116 refuses to provide reasonable access to a dwelling unit, (B) fails to
117 comply with reasonable requests for inspection or treatment of a
118 dwelling unit, or (C) fails to implement reasonable inspection and

119 treatment measures required pursuant to subsection (b) of this section.
120 The entry fee for such an action shall be the same as the entry fee for a
121 small claims case. If a court finds that a tenant has unreasonably failed
122 to comply with this section, the court may issue a temporary order or
123 interim relief to carry out the provisions of this section, including, but
124 not limited to: (i) Granting the landlord access to the dwelling unit for
125 the purposes set forth in this section; (ii) granting the landlord the right
126 to engage in bed bug inspection and treatment measures; and (iii)
127 requiring the tenant to comply with specific bed bug inspection and
128 treatment measures or assessing the tenant with costs and damages
129 related to the tenant's noncompliance. Any order granting a landlord
130 access to a dwelling unit shall be served upon the tenant at least
131 twenty-four hours before a landlord, qualified inspector or pest control
132 agent enters the dwelling unit.

133 (3) In any action of summary process under chapter 832 of the
134 general statutes, there shall be a rebuttable presumption that such
135 action was commenced in retaliation against the tenant if the tenant
136 asserted the tenant's rights pursuant to this section less than six
137 months before the commencement of such action. The rebuttable
138 presumption of retaliation shall not apply (A) unless the tenant
139 asserted the tenant's rights pursuant to this section prior to being
140 served with a valid notice to quit possession or occupancy, or (B) if the
141 action of summary process is brought for failure to pay rent or for
142 causing substantial damage to the premises. A landlord shall retain all
143 rights to defend a claim of retaliation as set forth in section 47a-20a of
144 the general statutes.

145 (4) The remedies in this section shall be in addition to any other
146 remedies available at law, or in equity, to any person. This section shall
147 not be construed to limit or restrict the authority of any state or local
148 housing or health code enforcement agency.

149 Sec. 2. Subsection (a) of section 47a-14h of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective*
151 *October 1, 2013*):

152 (a) Any tenant who claims that [his] the landlord has failed to
 153 perform his or her legal duties, as required by section 47a-7, [or]
 154 subdivisions (1) to (13), inclusive, of subsection (a) of section 21-82, or
 155 section 1 of this act, may institute an action in the superior court
 156 having jurisdiction over housing matters in the judicial district in
 157 which [he] such tenant resides to obtain the relief authorized by this
 158 section and sections 47a-20, [and] 47a-68, and section 1 of this act. No
 159 tenant may institute an action under this section if a valid notice to quit
 160 possession or occupancy based upon nonpayment of rent has been
 161 served on [him] such tenant prior to [his] the institution of an action
 162 under this section or if a valid notice to quit possession or occupancy
 163 based on any other ground has been served on [him] such tenant prior
 164 to [his] such tenant making the complaint to the agency referred to in
 165 subsection (b) of this section, provided any such notice to quit is still
 166 effective.

167 Sec. 3. (NEW) (*Effective October 1, 2013*) The Connecticut
 168 Agricultural Experiment Station, in consultation with the Department
 169 of Public Health and the Department of Energy and Environmental
 170 Protection, shall, within available appropriations, develop and publish
 171 guidelines that identify effective and least burdensome methods of
 172 investigating and treating bed bug infestations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	47a-14h(a)
Sec. 3	<i>October 1, 2013</i>	New section

Statement of Legislative Commissioners:

Rephrased the third sentence in Sec. 1(b)(2)(B) for clarity, changed "property of" to "property belonging to" in Sec. 1(b)(2)(C), and rephrased first sentence in Sec. 1(b)(3)(A) for clarity.

HSG *Joint Favorable Subst.*